IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7717 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SATWARA GANESHBHAI DHANABHAI

Versus

STATE OF GUJARAT

Appearance:

MR MURALI N DEVNANI for Petitioner

Mr.K.G. Sheth, Assistant GOVERNMENT PLEADER,

for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/11/2000

ORAL JUDGEMENT

The petitioner has filed this petition under Article 226 of the Constitution of India regarding giving him benefit of stepping up and to place him at par with one Sonaji Thakore and also regarding giving him appropriate pay scale, increments, etc.

According to the petitioner, he is serving as a rojamdar Mason and that he is serving continuously for 240 days since last 12 years. However, according to Mr.K.G.Sheth, AGP, the petitioner has put in 240 days' continuous service since last 10 years only and not 12 years. However, in the affidavit-in-reply, it has been pointed out that the Department has placed the petitioner and released benefit of the basic pay of Rs.950/- with effect from 1.4.1999. Mr.Sheth has pointed out, on instructions from Mr.R.V. Patel, Deputy Executive Engineer, who is present in the Court, that the petitioner is now given the work of Mason and he is now absorbed as a regular Mason in the Department from 1.4.1999. Mr.Sheth has further stated on instructions that so far as payment of arrears of difference of wages is concerned, the Department has already sent a proposal to the Government and they are awaiting the approval of the Government. The moment the approval is granted by the Government such benefit will also be given to the petitioner.

In view of the aforesaid statement of Mr.Sheth, Mr.Devnani for the petitioner, is not pressing the present petition and he wants to withdraw the same. Permission granted. Petition is disposed of as withdrawn. Rule is discharged with no order as to costs. Liberty to apply in case of difficulty.

21st November, 2000 (P.B. Majmudar, J.)

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(apj)